

## AMENDMENTS TO THE CLAIMS

1.-34. (Canceled)

35. (Previously Presented) A spacer insertion tool, comprising:  
a housing having a proximal end and an opposite distal end and defining a passageway between said proximal end and said distal end;  
a shaft having a first end and an opposite second end, said shaft disposed within said passageway with said first end adjacent said distal end, said first end defining a spacer engager;  
and  
an occlusion member extendible from said distal end of said housing for blocking an opening defined in the spacer when said spacer engager is engaged to the spacer, said occlusion member having a plate with an interior and exterior surface, at least one of said surfaces of said plate being curved.

36. (Previously Presented) The tool of claim 35, further comprising a fastener attached to said shaft and wherein said plate defines a groove, said groove disposed around said fastener so that said plate is slidable relative to said housing.

37. (Currently Amended) The tool of claim 36, wherein said plate has a curved superior surface which approximates the outer surface of the spacer when said spacer ~~engaging~~ engager is engaged to the spacer and said occlusion member is blocking the opening of the spacer.

38. (New) The tool of claim 35 wherein said spacer engager includes a post.

39. (New) The tool of claim 38 wherein said post is threaded.

40. (New) The tool of claim 35 wherein said spacer engager includes a pair of prongs configured to grasp a spacer.

RESPONSE AND AMENDMENT TO FINAL OFFICE ACTION

004002-002729.JBM,276790

Page 2 of 4

Atty. Docket 4002-2729

41. (New) The tool of claim 35 wherein the interior surface of the plate is curved.

42. (New) The tool of claim 35 wherein said shaft is threadedly disposed within said passageway.

7

RESPONSE AND AMENDMENT TO FINAL OFFICE ACTION

004002-002729.JBM.276790

Page 3 of 4

Atty. Docket 4002-2729